

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE CELSIUS NETWORK LLC

Case No. 1:23-cv-02882 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

The Court is in receipt of a motion from *pro se* Appellants (“Customer Appellants”) requesting “supplemental relief,” that is dated June 14, 2023 (ECF No. 10), and a subsequent letter clarifying that request, which is dated June 16, 2023 (ECF No. 11). In those letters, Customer Appellants request that this Court either bifurcate briefing on this bankruptcy appeal or hold the briefing in abeyance pending their anticipated appeal of the Bankruptcy’s Court denial of their Rule 60 motion. *See* ECF No. 11.

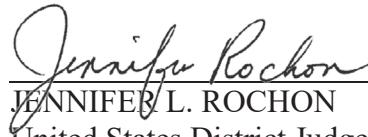
On June 16, 2023, the Court ordered that the other Appellant in this consolidated action, the Official Committee of Unsecured Creditors (“Committee”), and Appellees, file letters in response to Customer Appellants’ request. ECF No. 12. On June 20, 2023, the Committee filed a letter indicating that while it took no position on the Customer Appellants’ request, the Bankruptcy Court had already denied the Customer Appellants’ Rule 60 motion, and therefore there “is no basis to grant the relief requested” by Customer Appellants. ECF No. 13. That day, the Appellees also filed a letter indicating that they do not oppose Customer Appellants’ request to hold the briefing in this action in abeyance pending the Customer Appellants’ anticipated appeal of the Bankruptcy Court’s denial of their Rule 60 motion to this Court. ECF No. 14. Customer Appellants have indicated that they are in the process of appealing that decision to this Court, and seek the consolidation of this action with their eventual appeal of the Rule 60 denial. ECF No. 15.

While Customer Appellants have filed a Notice of Appeal of the Rule 60 denial before the Bankruptcy Court, the appeal has not yet been transferred to the District Court. Therefore, any request to consolidate this action with that anticipated appeal is not yet ripe. Nevertheless, for purposes of efficiency and clarity of the record, the Court will hold the current briefing schedule in abeyance for fourteen (14) days to permit time for: (1) the Customer Appellants' Rule 60 appeal to be transferred to this Court; (2) the parties to meet and confer regarding any motion to consolidate that pending appeal with the instant action, and to file the same; and (3) the parties to propose a briefing schedule in light of the possibility of consolidation, and any potential overlap of issues from the two appeals.

Accordingly, IT IS HEREBY ORDERED that the parties shall file a joint letter, no later than **July 7, 2023**, identifying the case number for Customer Appellants' Rule 60 appeal as docketed in the District Court, articulating whether or not the parties consent to consolidation of that anticipated appeal with this action, and proposing a briefing schedule for this action in light of the possibility of consolidation with the Rule 60 appeal.

Dated: June 26, 2023
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge